

**EXHIBIT “C”**

**PART 2 OF 6**

EXHIBIT B

1

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO  
SOUTHERN DIVISION

UNITED STATES, . Case No. CR03-48-N  
 .  
Plaintiff, .  
 .  
vs. . Boise, Idaho  
 . March 11, 2003  
 . 10:15 a.m.  
SAMI OMAR AL-HUSSAYEN, .  
 . (Testimony of Michael Gneckow)  
Defendant. .  
 .  
 . . . . .

VOLUME I OF II  
DETENTION HEARING  
BEFORE THE HONORABLE MIKEL H. WILLIAMS  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

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COURT RECORDER:

Verlene Nelson  
U.S. District Court

TRANSCRIPTION BY:

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Exhibit B.txt

I N D E X		PAGE	LINE
GOVERNMENT WITNESS:			
GNECKOW, Michael James			
Direct Examination by Mr. Lindquist		3	11
Cross-Examination by Mr. Nevin		134	14

E X H I B I T S		PAGE	LINE
GOVERNMENT EXHIBITS:			
GX 3 - List of Web Sites			
Admitted		37	6
GX 4 - Synopsis of Events			
Admitted		122	18
GX 5 through 15 - Photographs			
Admitted		50	7
GX 14 - Photograph			
withdrawn		52	7
GX 16 through 94 - Photographs			
and Graphic Images			
Admitted		65	15
DEFENDANT'S EXHIBITS:			
DX A, B, C - Articles of			
"Seattle PI"			
Admitted		--	--
DX E - Letter of Muslim			
Student Association			
Admitted		185	15

1                                   Exhibit B.txt  
2                                   (Proceedings in progress.)

3                   MR. LINDQUIST: And with that, Your Honor, we would  
4                   have Michael Gneckow testify.

5                   COURT: Come forward and be sworn.

6                                   (MICHAEL JAMES GNECKOW is sworn.)

7                   CLERK: State your full name and spell your last name.

8                   WITNESS: Full name is Michael James Gneckow. The  
9                   last name is spelled G-n-e-c-k-o-w.

10                  COURT: You may proceed.

11                  MR. LINDQUIST: Thank you.

12                                   DIRECT EXAMINATION

13                  QUESTIONS BY MR. LINDQUIST:

14                  Q. You are a special agent with the FBI; is that correct?

15                  A. That is correct, sir.

16                  Q. And have been for how many years?

17                  A. For almost seven years, sir.

18                  Q. And your present duty station is where?

19                  A. The Coeur d'Alene, Idaho Resident Agency.

20                  Q. Can you give us an idea of just generally and briefly what  
21                  your present responsibilities are there?

22                  A. As special agent in the Coeur d'Alene RA, I'm also assigned  
23                  to the Inland Northwest Joint Terrorism Task Force. My  
24                  responsibility is to investigate crimes that deal with both  
25                  domestic and international terrorism as well as other felony  
                    crimes under Title 18.

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1                  Q. We'll chat here in a moment about the international  
2                  terrorism aspect of your responsibilities but first, prior to  
                    Page 3

Exhibit B.txt

3 becoming an FBI agent, were you a police officer?

4 A. No, sir, but I was in federal law enforcement for  
5 approximately ten years.

6 Q. How so?

7 A. I was a special agent with the Naval Criminal Investigative  
8 Service and was assigned to various offices around the world.

9 Q. Can you give us an idea of what you did in that capacity?

10 A. As a special agent with the Naval Criminal Investigative  
11 Service, it was my responsibility to investigate felony crimes  
12 as they relate to Department of Navy personnel.

13 Q. Did that also have to do with international terrorism at  
14 times?

15 A. Yes, sir, it did. A large portion of what the Naval  
16 Criminal Investigative Service does is deal with force  
17 protection issues overseas, investigation of counter-  
18 intelligence and international terrorism matters.

19 Q. With that background, let's talk a bit about international  
20 terrorism. Of course the charges in this case relate to visa  
21 fraud and false statements; is that correct?

22 A. That is correct.

23 Q. But your understanding is those charges are made within the  
24 context of international terrorism; is that right?

25 MR. NEVIN: I object to misleading.

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1 COURT: I'll overrule the objection at this point for  
2 foundation purposes.

3 WITNESS: The question again, please?

Exhibit B.txt

4 BY MR. LINDQUIST:

5 Q. Those charges are made within the context of international  
6 terrorism; is that correct?

7 A. That is correct, sir.

8 Q. Can you give us an idea just the concept of international  
9 terrorism? What does it mean from your perspective given what  
10 you've told us about your duties?

11 A. Well, international terrorism and terrorism in general is  
12 generally used as a political tool used by organizations or  
13 individuals in order to pursue or foster their own political  
14 agenda.

15 Q. Is this -- I'm sorry.

16 A. I'm sorry. Using terror as a political weapon.

17 Q. And does that terror necessarily include violence?

18 A. Yes, sir. Well, not necessarily includes violence but most  
19 times it does.

20 Q. Are you familiar with the term "stateless nation" with  
21 regard to terrorism?

22 A. Yes, sir, I am.

23 Q. What does that mean?

24 MR. NEVIN: Judge, I'll object to the relevance of  
25 this.

□

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1 COURT: Response?

2 MR. LINDQUIST: The relevance is the -- as I've stated  
3 and as Agent Gneckow has testified is that these charges were  
4 made within the context of international terrorism. We're  
5 laying the foundation for that and it is particularly pertinent

Exhibit B.txt

6 for this Court's determination of whether or not the defendant  
7 should be released pending trial.

8 COURT: I'll overrule the objection.

9 WITNESS: A stateless nation is a term that is  
10 frequently used with international terrorism organizations.  
11 The reason for that is because, most frequently, terrorist  
12 organizations are not bound within the context of a regular  
13 country or nation as we know it. Rather international  
14 terrorist organizations is generally made up from individuals  
15 from various nations, from various countries and nationalities.  
16 Therefore, the term "stateless nation" is in reference to a  
17 group or rather organization that makes up the terrorist  
18 organization itself.

19 BY MR. LINDQUIST:

20 Q. Does international terrorism as you've described it have a  
21 philosophical basis?

22 A. Yes, it does.

23 Q. Generally speaking, what is that philosophical basis as it  
24 exists currently?

25 A. well, philosophically, I suppose the international

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7

1 terrorism attempts to pursue through its own means pushing its  
2 political or philosophical agenda where frequently you have a  
3 clash of cultures and philosophies will frequently clash as  
4 well and many times terrorism or terrorist acts are in  
5 furtherance of a certain philosophy.

6 Q. And in this particular case, does that have anything to do

Exhibit B.txt  
7 with the religion of Islam?

8 A. Yes, it does.

9 Q. How so?

10 A. When we talk about the religion of Islam in the context of  
11 international terrorism, it's important to note that we're not  
12 talking about anything other than a very strict minority; a  
13 minority of extremists that use the religion of Islam as a  
14 rationale for their terrorist activities.

15 Q. And does that radical Islam have any particular perception  
16 of the west, particularly the United States?

17 A. Yes, it does.

18 Q. What is that?

19 A. Radical Islam, that espoused by the extremist factions of  
20 Islam, view the United States and the west in general as a  
21 threat to their own culture. Any presence of the west,  
22 particularly in the form of military troops, military presence  
23 is perceived as being against the extremist tenets of Islam.

24 Q. As a nation, albeit without geographical boundaries,  
25 stateless if you will, is there nonetheless a need for members

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8

1 or a reality of having members of that issue (inaudible)?

2 A. Yes, absolutely.

3 Q. And is there also an aspect -- a financial aspect to it?

4 A. Yes, most definitely.

5 Q. How so?

6 A. As with any organization, any country, any nation, it has  
7 to have finances. It has to have infrastructure in order to  
8 operate.



Exhibit B.txt

9 Q. Okay. Are there organizational needs?

10 A. Yes.

11 Q. How so?

12 A. Well, it's necessary for there to be at least a hierarchy.

13 There needs to be members. There needs to be infrastructure.

14 There needs to be leadership. So just like with a regular

15 country itself, there has to have -- there has to be a certain

16 hierarchy, communications, logistics. Just a regular

17 infrastructure of any sort of organization.

18 Q. Does recruitment of constituents or members play a role in  
19 that phenomenon?

20 A. Most importantly. As a stateless nation with no actual

21 borders, with no actual civilian population to recruit from,

22 recruitment -- the recruitment tool or the recruitment methods

23 used are extremely important because this organization has to

24 draw new members from a variety of different nationalities,

25 from a variety of different areas. So recruitment is most

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9

1 definitely an important aspect of that.

2 Q. Is education and indoctrination an aspect of that  
3 recruitment?

4 A. Yes.

5 Q. How so?

6 A. It's important in the recruitment phase for an organization  
7 for that organization or that stateless nation to educate

8 prospective recruits. Generally young -- young men, young

9 persons to educate them as to the ideals of the movement and

Exhibit B.txt

10 then once they're educated, then to further indoctrinate those  
11 prospective recruits.

12 Q. Is organization of those recruits also a factor?

13 A. Yes, it is.

14 Q. Motivation of them?

15 A. Yes, most definitely.

16 Q. And as far as any particular activities, instruction and  
17 direction, is that also part of that phenomenon that you're  
18 addressing?

19 A. Yes.

20 Q. Generally speaking, do computers play a role in what you've  
21 just been talking about?

22 A. Computers play an amazingly important role. In today's --  
23 in today's day and age with technology the way that it is,  
24 communication is just so vastly important. The world --  
25 computers and the internet specifically have allowed the world

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1 to essentially be shrunken down to much smaller than it ever  
2 was and the internet allows everyone, including terrorist  
3 organizations, to be able to communicate to the widest audience  
4 possible.

5 Q. So generally speaking, it is therefore a mechanism of  
6 recruitment and indoctrination; is that correct?

7 A. Yes, it is.

8 Q. And motivation and direction as far as activities  
9 associated with that indoctrination?

10 A. Yes, sir.

11 Q. Talking about that infrastructure associated with

Exhibit B.txt

12 international terrorism, does that relate to the infrastructure  
13 of the United States in any way?

14 A. It does. I believe that the infrastructure of the United  
15 States provides a great forum for organizations to come to our  
16 country, to take advantage of our rules, our civil liberties  
17 and to be able to recruit completely unimpeded. Many of the  
18 countries that members of terrorist organizations belong to are  
19 often times oppressive and being able to get out and exercise  
20 sessions where lectures can be shared, sometimes very violent  
21 lectures would not be tolerated in many other countries. Our  
22 country does allow that to take place.

23 Q. That international terrorist infrastructure then utilizes  
24 the U.S. infrastructure; is that right?

25 A. Yes, it does.

□

11

1 Q. Is there a money aspect of that?

2 A. Most definitely.

3 Q. How so?

4 A. The United States is a very affluent country and most  
5 citizens in the United States want to provide donations. They  
6 want to support worthy causes. It's a terrific forum for  
7 organizations to come to the United States, solicit donations  
8 that are ostensibly portrayed as being for good causes when in  
9 many cases, that's not the case.

10 Q. Well, let's talk about that. Do these particular entities  
11 have a generic name?

12 A. Probably the most common form that these entities take is

Exhibit B.txt

13 in the form of charitable organizations.

14 Q. By -- what do you mean by a charitable organization within  
15 the context of what you're testifying to?

16 A. Well, charitable organizations are nonprofit organizations  
17 that purport to solicit funds, solicit donations and then in  
18 turn provide some sort of service to the community at large, to  
19 the world at large, whether that be in the form of feeding the  
20 hungry, sheltering the homeless or providing any sort of  
21 support, whether that be religious, cultural and so forth.

22 Q. From the standpoint of international terrorism, however,  
23 are those charitable organizations based upon your experience  
24 sometimes used otherwise?

25 A. Yes.

□

12

1 Q. How?

2 A. What we have discovered through lengthy investigations is  
3 that in many cases, these charitable organizations do provide a  
4 service worldwide. They do clothe and feed and shelter but  
5 we've also found that portions of the money that the donors  
6 intend for the purposes that I've just stated are actually  
7 siphoned off to more diabolical sort of ends.

8 Q. That relates to international terrorism directly; is that  
9 correct?

10 A. That is correct.

11 Q. And you will be testifying to us today about several of  
12 those organizations within the context of this case; is that  
13 right?

14 A. Yes, sir.

Exhibit B.txt

15 Q. Universities. Do universities factor into the utilization  
16 by international terrorism of the U.S. infrastructure?

17 A. That is correct.

18 Q. Based upon your experience generally speaking, how is that  
19 so?

20 A. Universities are -- there's a couple of ways that  
21 universities are actually utilized. One is that in my  
22 discussions with fellow agents from the INS, the Immigration  
23 and Naturalization Service, I've learned that perhaps the most  
24 easy way to gain access and protracted stays in the United  
25 States is through the receipt of student visas -- F-1 student

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13

1 visas.

2 Universities are also a wonderful environment, based  
3 on the academics that are shared there, for foreign nationals,  
4 including those tied to terrorism, to come and learn from some  
5 of our best instructors, some of our best professors some  
6 highly technological sort of fields and many of those  
7 potentially can be used against us.

8 Q. You've already mentioned computer technology generally with  
9 regard to international terrorism. Does that also factor  
10 specifically into international terrorism's utilization of the  
11 American infrastructure?

12 A. Most definitely.

13 Q. How is that?

14 A. And this goes back to our discussion a few moments ago  
15 about the computers and the use of the internet by

Exhibit B.txt

16 organizations including terrorist organizations. The computer  
17 is not only a vehicle for massive communication but it's also  
18 potentially a weapon. And terrorist organizations recognize  
19 that and are -- it's an important facet of their education to  
20 be able to learn computer expertise, to maintain web sites, to  
21 be able to maintain this infrastructure of communication world  
22 wide.

23 Q. And this particular case, as you will testify to, addresses  
24 some of those issues specifically, universities, charitable  
25 organizations and computer technology within the context of

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14

1 terrorism; is that right?

2 A. Yes, sir.

3 Q. Let's talk about a particular aspect of international  
4 terrorism. Are you familiar with the term Al Quaida?

5 A. Yes, sir, I am.

6 Q. What does Al Quaida refer to?

7 A. Al Quaida is a well known international terrorist  
8 organization who's -- they're -- the person they look to for  
9 leadership is embodied in the form of Usama Bin Laden. It was  
10 something that was created more or less in 1988 as a result  
11 of -- in the aftermath let's say of the Russian invasion of  
12 Afghanistan.

13 Q. And so Usama Bin Laden played a particular role in its  
14 creation; is that correct?

15 A. Yes, he did. He and others.

16 Q. And others; is that right?

17 A. That is correct.

Exhibit B.txt

18 Q. In addition to some that you will be testifying about in  
19 this particular case, in particular two radical Saudi sheikhs;  
20 is that correct?

21 A. That's correct, sir.

22 Q. And their names are?

23 A. Their names are Salman Al-Ouda and Safar Al-Hawali.

24 Q. Can you give us an idea of in recent history some violent  
25 events associated with Al Quaida, conducted by Al Quaida if you

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15

1 will?

2 A. Yes, sir.

3 MR. NEVIN: I object to the relevance. We're not  
4 going to hear that Sami has had contact with Mr. Usama Bin  
5 Laden or that he supports his beliefs or any of it. It's  
6 surely to sensationalize the situation. It's not relevant to  
7 this detention hearing.

8 COURT: Response?

9 MR. LINDQUIST: Counsel errs. There will be testimony  
10 that the defendant has direct contact with individuals directly  
11 associated with Mr. Bin Laden and does espouse and support Mr.  
12 Bin Laden's beliefs and activities. There will be evidence of  
13 that.

14 COURT: All right. I'll overrule the objection at  
15 this time. (Inaudible) I'm assuming all this information now is  
16 general background information in the broadest context. It  
17 will be up to the Government through the presentation of their  
18 evidence today to show a connection between the broad

Exhibit B.txt

19 principles or things going on and tie into whether or not this  
20 defendant either is a danger to the community or constitutes a  
21 risk of flight. There will have to be that tie made, that  
22 evidence presented.

23 MR. LINDQUIST: Very well.

24 COURT: With that caveat, I'll overrule the objection.

25 MR. LINDQUIST: Thank you.

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16

1 BY MR. LINDQUIST:

2 Q. Let's just mention briefly some of the incidents associated  
3 with Al Quaida.

4 A. The most recent incidence -- and please keep in mind there  
5 are many incidents. In August of 1998, Al Quaida was  
6 responsible and claimed responsibility for the bombings of the  
7 U.S. embassies in Kenya and Tanzania. In October of 2000, the  
8 USS Cole was attacked by a small boat laden with explosives.  
9 Again, Al Quaida took responsibility for that attack and of  
10 course most recently as most people remember, there were the  
11 attacks of September 11, 2001 on the World Trade Center and the  
12 Pentagon.

13 Q. What is Jihad in relation to what you're testifying to now?

14 A. Well, the Jihad that I am going to refer to and it takes  
15 many forms is armed Jihad and that is violence against those  
16 who are enemies of Islam.

17 Q. And does that relate to Al Quaida?

18 A. Yes, it does.

19 Q. How just briefly?

20 A. Al Quaida promotes, supports -- supports in the form of



Exhibit B.txt

21 training, logistical support, et cetera, armed Jihad against  
22 those who it perceives as being enemies of Islam.  
23 Q. Agent Gneckow, you've talked about the infrastructure of  
24 international terrorism, Mr. Bin Laden as a leadership  
25 component of that. With regard to the search warrant affidavit

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1 I mentioned earlier, you heard me mention that, correct?  
2 A. Yes, I did.  
3 Q. Are you familiar with that search warrant affidavit?  
4 A. Yes, I am.  
5 Q. How are you familiar with it?  
6 A. I was principally responsible for preparing the affidavit  
7 although I was not the affiant on it.  
8 Q. And for logistical reasons, you were not the affiant  
9 presented directly to the Court but you in effect were the --  
10 one of the sources or the authors of that, correct?  
11 MR. NEVIN: Objection. Misleading.  
12 COURT: I'll overrule the objection for foundation.  
13 WITNESS: That is correct.  
14 BY MR. LINDQUIST:  
15 Q. And in that search warrant affidavit, specifically at  
16 paragraph 9, you reference statements attributable to Usama Bin  
17 Laden as it relates to this Jihad -- the instigation of  
18 violence, the international terrorism as it relates to the  
19 United States and utilization of its infrastructure; is that  
20 correct?  
21 A. That is correct.

Exhibit B.txt

22 Q. And as an aspect of that, there's a component in there that  
23 is -- that relates to (inaudible); is that right?

24 A. Yes.

25 Q. Explain that very briefly as background for this particular

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1 statement associated with him.

2 A. Martyrdom is something that's extremely important. Suicide  
3 operations, for example, are not something that he's done  
4 lately. There are conditions that must be met prior to  
5 conducting such an operation and if those conditions are met,  
6 then the individual who conducts the suicide operation can  
7 achieve martyrdom. Martyrdom is essentially a better life -- a  
8 better life after death.

9 Q. The quotation attributable to Mr. Bin Laden in paragraph 9  
10 of the search warrant affidavit is referred to as his  
11 declaration of war; is that correct?

12 A. That is correct.

13 Q. And it was found on a web site; is that right?

14 MR. NEVIN: Object to it as leading.

15 COURT: I'll overrule the objection for foundation.

16 WITNESS: Yes. The affidavit states that it was found  
17 on a web site.

18 BY MR. LINDQUIST:

19 Q. And the quotation attributable to him is recited in full in  
20 that paragraph that the Court has; is that right?

21 A. I'm sorry. The question again?

22 Q. That quote that's attributable to him is stated in full in  
23 that particular paragraph; is that correct?

Exhibit B.txt

24 A. Actually, I think this is just a portion.

25 Q. Or a segment of it; is that right?

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1 A. A segment, yes.

2 Q. But it is a full quote of a segment of that declaration of  
3 war; is that right?

4 A. That's correct.

5 Q. Just synopsise for us, if you will, what it is that Bin  
6 Laden is proclaiming here in this declaration of war by means  
7 of this web site without taking the time to read it because the  
8 Court has the text. Just synopsise it for purposes of your  
9 testimony.

10 A. Well, essentially, the text is -- is urging on operations  
11 by the youths because it states that our youths believe in  
12 paradise after death. This is a component of martyrdom. He  
13 says in here -- it says in here that they will receive a  
14 reward. They will go to heaven, forgiveness for all of  
15 their -- all their sins for lack of a better term.

16 Q. So this is that motivation associated with terrorism?

17 MR. NEVIN: Object to it as leading.

18 COURT: Yes. I'll sustain the objection. So the  
19 record is clear, while I understand that the web sites will be  
20 an issue in this hearing, this one is not connected with this  
21 defendant; is that correct?

22 MR. LINDQUIST: Not directly, that is correct.

23 COURT: All right.

24 BY MR. LINDQUIST:

Exhibit B.txt

25 Q. Paragraph 10 refers to another web site publication, does

20

1 it not?

2 A. Yes, it does.

3 Q. And in that particular publication that's quoted there, one  
4 term -- a particular term is used by Bin Laden in relation to  
5 terrorism; is that right?

6 A. That is correct.

7 Q. What's that term?

8 A. The term there is instigate and I think that's a very  
9 important term used on this --

10 Q. Why is that important in this context?

11 A. When we talk about terrorism in a general sense, it's not  
12 just one or two individuals out there but rather it is -- it is  
13 a large infrastructure; the stateless nation we referred to  
14 before. And an important component of that is the instigation  
15 to commit acts. The instigation to just act by itself which is  
16 a component along with the recruitment, the indoctrination, the  
17 education and as you proceed down this path, you eventually get  
18 to the point where you're instigated to take action.

19 Q. Paragraph 11 refers to a quote from a "Time" magazine  
20 interview with Bin Laden; is that correct?

21 A. That is correct.

22 Q. Is also refers to instigation, does it not?

23 A. Yes, it does.

24 Q. Just read that bolded portion of that that refers to  
25 instigation as it's found down in the affidavit.

Exhibit B.txt

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1 A. Well, the bolded portion reads, "If instigation for Jihad  
2 against the Jews and the Americans is considered to be a crime,  
3 then let history be a witness that I am a criminal. Our job is  
4 to instigate and by the grace of God, we did that and certain  
5 people responded to this instigation."

6 Q. Paragraph 12 references what?

7 A. Paragraph 12 is the claim of responsibility by Usama Bin  
8 Laden following the September 11 attacks.

9 Q. Okay. And does it bear some relationship to his  
10 declaration of war and its reference to motivating youths to  
11 perform these acts?

12 A. Yes, it does. That seems to be a constant thing in this is  
13 the motivation of the youths, those that are being targeted for  
14 recruitment.

15 Q. There is a particular term in that first paragraph that is  
16 significant, is it not, with regards to these activities --  
17 these violent activities?

18 A. And you're referring to the term "operations"?

19 Q. Yes. Why is that significant?

20 A. Consistently through much of the literature that we read,  
21 much of the investigative efforts that we take, the term  
22 "operations" is a consistent -- is a consistent term when we're  
23 dealing with violent Jihad.

24 Q. Is there a connection between -- you've already referenced  
25 that there is a connection between Bin Laden and the two

Exhibit B.txt

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1 radical sheikhs that you've mentioned, Al-Ouda and Al-Hawali;  
2 is that correct?

3 A. That's correct.

4 Q. Generally speaking, what is that association or what is  
5 that connection?

6 A. Sheikh Al-Hawali and Sheikh Al-Ouda, they were termed in  
7 the early 1990's as two of the awakening sheikhs. They took a  
8 very radical stance against the Saudi government, a radical  
9 stance against western interests inside Arabia and against the  
10 west and the United States in general. Many of the tenets that  
11 they have espoused are the same tenets espoused by Usama Bin  
12 Laden and in fact, Usama Bin Laden in many of his publications  
13 or interviews makes clear reference to Al-Hawali and Al-Ouda as  
14 spiritual leaders of the movement.

15 Q. As a matter of fact, in Bin Laden's declaration of war,  
16 does he not reference both of these two men?

17 A. Yes, he does.

18 Q. In what context?

19 A. At the time of the declaration of war which occurred in  
20 August of 1996, both Al-Hawali and Al-Ouda were imprisoned in  
21 Saudi Arabia by the Saudi government for the radical preachings  
22 against the Saudi government. Usama Bin Laden frequently took  
23 it upon himself to make references to the two sheikhs, Al-Ouda  
24 and Al-Hawali demanding their release, making statements about  
25 how wrongfully they were imprisoned, things of that nature.

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Exhibit B.txt

1 Q. Is there public source information that indicates that Bin  
2 Laden's turning towards violence more prolifically had  
3 something to do with Al-Ouda and Al-Hawali?

4 A. Yes. There are some academics out there who believe that  
5 as a result of the imprisonment of Al-Ouda and Al-Hawali, Usama  
6 Bin Laden took a more violent turn.

7 Q. Historically, have these two radical sheikhs, Al-Hawali and  
8 Al-Ouda been outspoken in their proclamations of Jihad,  
9 terrorism and violence against the west, particularly the  
10 United States?

11 A. Yes. In fact, one of the sheikhs even made Jihad -- his  
12 violent Jihad statements prior to the Gulf War, circa 1990.

13 Q. And that was directed directly towards the United States;  
14 is that correct?

15 A. The United States and the west.

16 Q. And the west. Do these radical sheikhs talk about  
17 martyrdom and suicide operations in conjunction with the  
18 message that they proclaim?

19 A. Frequently. Many of their statements are very similar in  
20 nature to the ones we referred to from Usama Bin Laden.

21 Q. Do these two sheikhs also utilize web sites in conjunction  
22 with their publications and proclamations?

23 A. Most definitely.

24 Q. Generally speaking, how so?

25 A. Both of the sheikhs and others as well utilize the

Exhibit B.txt

1 internet, utilize various web sites to preach their form of  
2 radical Islam to the widest audience possible.

3 Q. Now, you mentioned a moment ago that Bin Laden made some  
4 statements regarding the release of these two individuals from  
5 imprisonment; is that correct?

6 A. That is correct.

7 Q. Would you explain that, their imprisonment and how that  
8 relates to that statement?

9 A. There were -- immediately prior and I think this is the  
10 answer to your question. Immediately prior to the embassy  
11 bombings in 1998, there were some -- there were three letters  
12 that were --

13 Q. We'll go to that here in just a moment.

14 A. Okay.

15 Q. What I'm -- what I'm referring to is the arrest and release  
16 of -- these two sheikhs were ultimately arrested; is that  
17 correct?

18 A. Oh, that is correct, yes.

19 Q. By what authority, what country?

20 A. They were arrested in 1994 by the Saudi Arabian government.

21 Q. There are some particular dates associated with that event?

22 A. Yes, there are.

23 Q. Tell us about those dates and the significance of them.

24 A. On September 11, 1994, Sheikh Al-Ouda and possibly Sheikh  
25 Al-Hawali -- but definitely Sheikh Al-Ouda was called before

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1 the Saudi ministry of the interior and was ordered to no longer  
2 preach his -- or to no longer continue preaching against the



Exhibit B.txt

3 Saudi ruling government. Al-Ouda refused -- refused to sign a  
4 declaration that was provided to him by the ministry and was  
5 subsequently arrested as was Al-Hawali.

6 Q. Approximately how long were the two imprisoned; do you  
7 know?

8 A. I believe they were released in 1999.

9 Q. You were going to mention something about the embassy  
10 bombings that related to these two men; is that correct?

11 A. That is correct.

12 Q. What about that? Tell us about that.

13 A. Immediately prior to the embassy bombings in 1998, there  
14 were three letters that were faxed to three different media  
15 outlets in Europe claiming responsibility for the bombings. In  
16 two of the letters, there were specific conditions that were  
17 laid out as to how the violence would stop. One of the  
18 conditions -- and it was -- essentially the same condition in  
19 each of these two letters called for the release of Sheikh  
20 Al-Hawali, Sheikh Al-Ouda and the (inaudible) sheikh imprisoned  
21 in the United States for the 1993 World Trade Center bombings.

22 Q. Was there a similar demand made in conjunction with another  
23 bombing in Saudi Arabia?

24 A. Yes.

25 Q. Tell us about that bombing briefly and the circumstances

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1 associated with it.

2 A. In 1995, there was a bombing of a National Guard armory --  
3 or a National Guard facility in Saudi Arabia. There was a fax

Exhibit B.txt

4 to CNN claiming responsibility for that particular attack and  
5 in that attack, it claimed that this act was in retaliation for  
6 the imprisonment of Al-Hawali and Al-Ouda.

7 Q. Another event that I would like you to address regarding a  
8 house or a facility associated with Al Quaida, a search of that  
9 and things found that related to the Sheikh Al-Ouda.

10 A. Post 9/11 during a search of a former Bin Laden house in  
11 Afghanistan, there were tapes of Sheikh Al-Ouda that were found  
12 in the house.

13 Q. And the tapes dealt with what generally speaking?

14 A. They were generally motivational speeches, talking about  
15 Jihad, talking about -- basically motivational sort of  
16 speeches. Lectures.

17 Q. All right. And finally in that regard, you mention that  
18 these two sheikhs utilized web sites; is that correct?

19 A. That is correct.

20 Q. Are you familiar with a particular interview of Sheikh  
21 Al-Ouda by a New York Times correspondent where web sites were  
22 specifically discussed?

23 A. Yes, I am aware of that.

24 Q. And prior to discussing a web site, give us an idea of the  
25 tenor of that interview and what it was that Al-Ouda was

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1 expressing with regard to suicide attacks.

2 A. Essentially what Al-Ouda was saying during this interview  
3 with the New York Times was that suicide operations are  
4 acceptable under certain conditions. The conditions were  
5 things to the effect of -- that you're at war, that the attack

Exhibit B.txt

6 takes place against the enemy, that innocents are not targeted,  
7 things like that. There were a series of conditions that had  
8 to be met before a suicide operation was acceptable.

9 Q. Was there a discussion of the justification of suicide  
10 operations philosophically?

11 A. Yes.

12 Q. Generally speaking, what was the philosophical  
13 justification?

14 A. Well, the justification to Al-Ouda was suicide operations  
15 are fine because this is war.

16 Q. In particular, internet web site was referenced by Sheikh  
17 Al-Ouda in that interview; is that correct?

18 A. That is correct.

19 Q. And that web site is what?

20 A. That web site is Islam Today.

21 Q. And does that particular web site bear on your  
22 investigation of the defendant in this particular case,  
23 generally speaking?

24 A. Yes, it does.

25 Q. And how so generally speaking does it bear on the

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1 defendant?

2 A. Our investigation has looked into numerous web sites that  
3 the defendant has been involved in, one of which is Islam  
4 Today.

5 Q. Let's talk about the defendant from a prospective of your  
6 investigation and this information is also contained in the

Exhibit B.txt

7 affidavit as you know. The defendant began his studies here in  
8 the United States, at least as far as your investigation is  
9 concerned, where?

10 A. He actually began working on his master's degree at Ball  
11 State University in Muncie, Indiana on or about August, 1994.

12 Q. And from there, his studies took him where?

13 A. He received his master's degree at Ball State. Returned to  
14 Saudi Arabia and a couple years later came back to the United  
15 States as a J-1 -- on a J-1 visa which he's got a student visa,  
16 an F-1 student visa. A J-1 visa is an exchange visitor as I  
17 understand it from my INS counterparts. And at that time, he  
18 was at Southern Methodist University and was providing -- was  
19 acting as a visiting professor I believe, something to that  
20 effect.

21 Q. And that's spelled out in paragraph 16 of that affidavit;  
22 is that correct?

23 A. That is correct.

24 Q. Ultimately, the defendant ended up at the University of  
25 Idaho, correct?

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1 A. That is correct.

2 Q. How did that come about?

3 A. The defendant made application to the University of Idaho  
4 for acceptance into the Ph.D. program for computer science.

5 Q. And ultimately began studying there; is that right?

6 A. That's correct. In the spring semester of '99 if I  
7 remember right.

8 Q. And information that corresponds to that is found in  
Page 27

Exhibit B.txt

9 paragraph 17; is that right?

10 A. That is correct.

11 Q. Let's talk about the University of Idaho computer program.

12 Have you looked into that as part of your investigation at

13 least to a certain extent?

14 A. Yes, sir, I have.

15 Q. First of all, what was the focus of the defendant's

16 doctoral dissertation?

17 A. The focus is on computer security, intrusion defense

18 methodology, things of that nature.

19 Q. Generally speaking, what did -- what does the University of

20 Idaho program have to offer as far as advanced computer

21 studies?

22 A. The University of Idaho was designated by the National

23 Security Agency in 1998 or 1999 as a center for excellence with

24 regard to their computer science program. They have at least

25 one extremely competent person on their faculty who is renowned

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1 throughout government circles as being a forefront of computer  
2 security, intrusion detection techniques and so on. And as a  
3 result of the University of Idaho's designation as a center for  
4 excellence, they were able to apply for and receive grants from  
5 the federal government to be part of the federal government's  
6 cybercorps program.

7 Q. And what's the significance of that as far as projects or  
8 activities involved in at the University of Idaho?

9 A. As both a center for excellence and as having cybercorps

Exhibit B.txt

10 program at the university, it enabled the university to work on  
11 sensitive sometimes classified projects on behalf of the  
12 federal government.

13 Q. Did your investigation reveal that there were limitations  
14 necessarily associated with that?

15 A. Yes. The program at the University of Idaho as I  
16 understand it has both the CSDS program which is the center  
17 for -- I probably don't have the exact name. But it works  
18 alongside with the cybercorps program in essentially teaching  
19 students both sets of programs the same methodology with regard  
20 to computer security, intrusion detection, et cetera. The  
21 cybercorps portion of the program is a scholarship program that  
22 only U.S. citizens can access. But essentially, they're taught  
23 the same thing with the exception of some very sensitive  
24 programs.

25 Q. So as a foreign student, the defendant would not have been

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31

1 able to participate in the cybercorps programs; is that  
2 correct?

3 A. That's not quite correct. He could not participate in the  
4 cybercorps program as far as being a scholarship student and he  
5 would not necessarily be able to participate on sensitive  
6 programs. However, other programs with lesser sensitivities  
7 could potentially have been accessed by the defendant.

8 Q. And otherwise was the full breadth and depth of the  
9 University of Idaho program available to him?

10 A. More or less with the exception of the sensitive programs.

11 Q. And as far as access to those American students that did

Exhibit B.txt

12 participate in those programs -- those sensitive programs,  
13 there was nothing to prevent his association with them; is that  
14 correct?

15 A. No. And in fact my understanding is that they all worked  
16 alongside one another anyway.

17 Q. Did your investigation allow you to become somewhat  
18 familiar with the University of Idaho computer network?

19 A. Yes, it did.

20 Q. How does that relate to the computer program that Mr.  
21 Al-Hussayen participated in?

22 A. I'm not quite sure I understand.

23 Q. Does the computer network have something to do with his  
24 studies there?

25 A. Yes.

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1 Q. How?

2 A. Although my understanding is that much of his project work  
3 was not necessarily tied to the network as a computer science  
4 Ph.D. candidate, the network was something I'm sure that he  
5 would have access on a routine basis.

6 Q. Tell us about that network just generally. An advanced  
7 network?

8 A. Very advanced.

9 Q. What else can you tell us about it just generally to give  
10 us some idea?

11 A. The University of Idaho network is a very fast, very  
12 sophisticated, very powerful network. It is -- for lack of a

Exhibit B.txt

13 better term, it's a back bone of much of the activity that  
14 occurs in that area.

15 Q. And as far as its activity with other networks, what did  
16 your investigation reveal?

17 A. It's directly connected to many of the other very large  
18 universities in the northwest.

19 Q. We'll come back and revisit that area in a moment but in  
20 the meantime, let me ask you some questions about another  
21 aspect of the affidavit and we're referring specifically to  
22 paragraph 29 as a reference for those that have a copy and the  
23 defendant's outside activities, if you will, with regard to web  
24 site work. Are you with me?

25 A. Yes, I am.

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1 Q. Can you just give us an idea generally speaking did your  
2 investigation show that the defendant -- whether or not the  
3 defendant was involved in activities outside of his studies at  
4 the University of Idaho that had to do with web sites?

5 A. Yes.

6 Q. Generally speaking, what did you find?

7 A. What we found and we continue to find are extensive ties,  
8 extensive links either through as a technical advisor, as the  
9 maintainer, as the creator of numerous web sites.

10 Q. And web sites associated with any particular entities or  
11 individuals?

12 A. Yes.

13 Q. For example?

14 A. We have discovered web sites -- multiple web sites that are  
Page 31



Exhibit B.txt

15 tied to a charitable organization located in the Detroit,  
16 Michigan area.

17 Q. What is that organization? What's the name of it?

18 A. That organization is the Islamic Assembly of North America.

19 Q. And its acronym is IANA customarily; is that correct?

20 A. That is correct.

21 Q. And generally speaking, what did your investigation reveal  
22 as far as his web site activities in relation to that charity?

23 A. Various web sites that we've looked at have the defendant's  
24 stamp on them, whether it's in -- whether it was a web site he  
25 created, whether it's a web site that he appears on the

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34

1 technical advisory committee for, whether -- whether he is a  
2 technical advisor. Numerous web sites to that fashion.

3 Q. Have you been able to identify all of the web sites that  
4 bear his stamp if you will in your opinion?

5 A. I seriously doubt we've identified all of them.

6 Q. But you have identified some; is that correct?

7 A. Yes.

8 Q. And we'll get to those more in just a moment. But first of  
9 all, let's talk about the Islamic Assembly of North America.

10 Can you tell us a little bit about that and this roughly  
11 corresponds to paragraph 30 of the affidavit?

12 A. Yes. My understanding is that the Islamic Assembly of  
13 North America or IANA was incorporated in 1993 in Colorado. It  
14 is a nonprofit organization and it -- its purported existence,  
15 its purported function is that of the spread of Islam or Da'wa.

Exhibit B.txt

16 They use -- they make extensive use of web sites to communicate  
17 their messages around the globe. They solicit donations. They  
18 receive quite a bit of money and another aspect of their  
19 function is they generally have an annual conference in which  
20 guest speakers are invited, members of other charitable  
21 organizations attend and it's generally considered to be a big  
22 deal.

23 Q. Based upon your investigation, can you give us an idea  
24 roughly when the investigation shows that the defendant began  
25 having these ties with the Islamic Assembly of North America?

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1 A. We have ties based on web site activity that begins right  
2 about 1998. Circa '98 I believe. And we have other ties to  
3 him in other areas, financial, in other ways as well.

4 Q. At some point in time, did you discover a formal  
5 demonstration of his tie to the IANA?

6 A. As a matter of fact, I did. We were able to access Idaho  
7 Department of State records and discovered that Mr. Al-Hussayen  
8 is the registered agent for the IANA in Idaho.

9 Q. And what was the date associated with that initial  
10 registration that you found?

11 A. That was May 11, 2001.

12 Q. And has your investigation shown activities attributable to  
13 the defendant that seem to be consistent with that agency?

14 A. Yes.

15 Q. You've mentioned the web sites that bear the defendant's  
16 stamp, if you will, and associated with the IANA.

17 MR. LINDQUIST: Your Honor, I would like the witness  
Page 33

Exhibit B.txt

18 to reference Exhibit 3. Counsel has a copy. Your Honor, you  
19 should have a copy there and I believe the agent also has a  
20 copy of that.

21 COURT: Any objections to referencing this exhibit for  
22 illustrative purposes?

23 MR. NEVIN: Not to referencing it, no, sir.

24 COURT: All right. You may proceed with Exhibit 3.

25 BY MR. LINDQUIST:

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36

1 Q. Take a look at that Exhibit 3. Tell us what that is.

2 A. Exhibit 3 is a list of various web sites that we have  
3 identified to date that are linked in one fashion or another to  
4 the defendant.

5 Q. And it consists of three columns; is that correct?

6 A. That is correct.

7 Q. The first column is the internet web site name, correct?

8 A. Yes.

9 Q. What's the second column?

10 A. The second column is the actual date that the web site was  
11 created or registered.

12 Q. Okay. And the third column?

13 A. The third column is just a quick reference to who the web  
14 site is registered to and what sort of ties they have to Mr.  
15 Al-Hussayen.

16 Q. So it's a shorthand for those ties; is that correct?

17 A. That is correct.

18 Q. And a more -- a fuller statement of that is contained in an

Exhibit B.txt

19 affidavit paragraph 33 further referenced by the Court; is that  
20 correct? Double check.

21 A. Yes.

22 Q. All right. Let's talk about some of the things you found  
23 in conjunction with some of these web sites.

24 MR. LINDQUIST: First of all, Your Honor, I would  
25 offer for purposes of this hearing that Exhibit 3.

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1 COURT: All right. It will be admitted for  
2 illustrative purposes of the witness's testimony. It's  
3 referred to also in paragraph 33 (inaudible) as near as I can  
4 tell (inaudible).

5 MR. LINDQUIST: Thank you.

6 (Government Exhibit No. 3 admitted.)

7 BY MR. LINDQUIST:

8 Q. Agent Gneckow, take a look at web site no. 9 that's listed  
9 there. Do you see that?

10 A. Yes, I do.

11 Q. What is that web site?

12 A. That web site is Al-Asr.ws.

13 Q. And Al-Asr, what's the significance of that from the  
14 standpoint of the defendant's involvement with these web sites?

15 A. The significance of that particular web site is that the  
16 defendant, Mr. Al-Hussayen, is the sole registrant of that web  
17 site.

18 Q. All right. And Al-Asr, does that refer to a particular  
19 entity?

20 A. Yeah. There is a Saudi Arabian company named Dar Al-Asr  
Page 35

Exhibit B.txt

21 and the Al-Asr web sites -- it's my understanding that the  
22 Al-Asr web sites are the official web sites for that company.  
23 Q. And your investigation showed that the defendant was  
24 directly linked to those web sites at Dar Al-Asr -- within the  
25 context of those web sites; is that correct?

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38

1 MR. NEVIN: I'm going to object to the question, Your  
2 Honor, as being leading and I don't understand what he means  
3 either with respect to (inaudible).

4 COURT: Why don't you rephrase the question.

5 MR. LINDQUIST: Maybe a clarification but the rules of  
6 evidence don't apply.

7 COURT: That's correct. I have to be able to  
8 understand the question that's being posed and understand the  
9 answer so --

10 MR. LINDQUIST: Okay. So you did not understand the  
11 question, Your Honor?

12 COURT: No.

13 BY MR. LINDQUIST:

14 Q. Agent Gneckow, does Dar Al-Asr have something to do with  
15 the defendant's involvement with these web sites?

16 A. Yes.

17 Q. What is that?

18 A. When you -- when you access Dar Al-Asr records even over  
19 the internet, Mr. Al-Hussayen's address and frequently his  
20 name, telephone number, e-mail address are all associated with  
21 web sites that belong to Dar Al-Asr.

Exhibit B.txt

22 Q. What address do you see most commonly as far as the  
23 defendant is concerned?

24 A. The address that we generally see is 311 West Sweet Avenue,  
25 Apartment 6, Moscow, Idaho, 83843.

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1 Q. With regard to that web site, Al-Asr.ws, do you know when  
2 that web site was created?

3 A. Yes. That was web site was created on September 11, 2000.

4 Q. By whom specifically?

5 A. It was created by Mr. Al-Hussayen.

6 Q. Okay. And sometime after September 11 of 2000 but before  
7 September 11 of 2001, did a particular publication occur or  
8 appear on that web site that related to September 11, 2001?

9 A. That's correct.

10 Q. Can you -- and that publication at least in part is  
11 portrayed in paragraph 20 -- excuse me. In paragraph 34 of the  
12 affidavit; is that correct?

13 A. That is correct.

14 Q. Would you read that for us, please?

15 A. The entire paragraph or --

16 Q. Just read the quoted portion beginning with the second  
17 part.

18 A. The second part is the rule --

19 Q. Let me interrupt you just to make sure we're clear. This  
20 is what appeared on the web site created by the defendant; is  
21 that correct?

22 A. That's correct.

23 Q. And this was -- approximately when did it appear in  
Page 37

Exhibit B.txt

24 relation to September 11, 2001?

25 A. It occurred either May or June of 2001. So approximately

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1 four or five months prior to the September 11 attacks.

2 Q. All right. Go ahead and read that.

3 MR. NEVIN: Judge, may I inquire in aid of objection?

4 COURT: Yes.

5 MR. NEVIN: When you use the term "create," you don't  
6 mean that Mr. Al-Hussayen wrote this language that you're about  
7 to read, do you?

8 WITNESS: Do I answer that?

9 MR. NEVIN: It was addressed to you.

10 COURT: Yes.

11 WITNESS: No, I did not say that he wrote it.

12 MR. NEVIN: When you use the term "create" referring  
13 to the web site itself?

14 WITNESS: That's correct.

15 MR. NEVIN: And it's your testimony that he created  
16 this web site?

17 WITNESS: He is listed as the sole registrant for the  
18 web site.

19 MR. NEVIN: Is that the same as creation of the web  
20 site?

21 WITNESS: It can mean the same.

22 MR. NEVIN: But it doesn't necessarily?

23 MR. LINDQUIST: Your Honor, I believe this is  
24 cross-examination and not aid of --

25 COURT: Exhibit B.txt  
I'll allow counsel to (inaudible).

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1           MR. NEVIN: And you don't know whether that's the case  
2   in this situation.

3                   WITNESS: I don't believe I know that at this point,  
4    no.

5 MR. NEVIN: But in any event, this wasn't written by  
6 Mr. Al-Hussayen?

7           WITNESS: No. As a matter of fact, this article was  
8 written by another radical Saudi sheikh by the name of Homed  
9 Ali (phonetic).

10 MR. NEVIN: what do you mean by another?

11 MR. LINDQUIST: Your Honor, now we're into  
12 cross-examination. We're beyond what he needs in the scope of  
13 direct.

14 COURT: I'll allow this last question and then --

15 MR. NEVIN: What do you mean by another?

16 WITNESS: In addition to Salman Al-Ouda and Safar  
17 Al-Hawali.

18 MR. NEVIN: That's all I have.

19 COURT: All right.

20 BY MR. LINDQUIST:

21 Q. Read that to us, will you?

22 A. "The second part is the rule that the (inaudible) which  
23 means holy warrior must kill himself if he knows that this will  
24 lead to killing a great number of the enemies. And that he  
25 will not be able to kill them without killing himself first or



Exhibit B.txt

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42

1 demolishing a center vital to the enemy or its military force  
2 and so on. This is not possible except by involving the human  
3 element in the operation. In this new era, this can be  
4 accomplished with the modern means of bombing or bringing down  
5 an airplane on an important location that will cause the enemy  
6 great losses."

7 Q. Let's talk about the chronology associated with this  
8 publication, the creation of the web site and other events.  
9 You've already testified to Bin Laden's declaration of war; is  
10 that correct?

11 A. That's correct.

12 Q. And that occurred approximately when?

13 A. I believe that was August 25, 1996.

14 Q. And you've testified to the web site registration by the  
15 defendant of Al-Asr.ws in which this appears; is that right?

16 A. That is correct.

17 Q. And the publication itself in May or June of 2001; is that  
18 correct?

19 A. That is correct.

20 Q. In conjunction with the events of September 11, did your  
21 investigation reveal anything about the defendant's activities  
22 in the Moscow area in relation to a bank?

23 A. Yes, it did.

24 Q. Tell us about that.

25 A. More specific question?